

**IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

MONICA DRASOVEAN,)
)
Plaintiff,)
)
v.) Case No. _____
)
VIRGINIA BOARD OF EDUCATION, et al.,)
)
Defendants.)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendants Prince William County School Board, Steven Walts, Michelle Roper, and David Cassady, Jr., by counsel, hereby remove this action from the Circuit Court of Prince William County where the matter is styled *Monica Drasovean v. Virginia Board of Education, et al.*, Case No. CL19-545, to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446. In support thereof, the defendants state the following:

1. On January 22, 2019, the above-referenced case was filed in the Circuit Court of Prince William County, Virginia.
2. The defendants were served with the original Complaint on February 21, 2019, a copy of the Complaints and original summons are attached hereto as Exhibit A.
3. The United States District Court for the Eastern District of Virginia, Alexandria Division, is the district and division in the Commonwealth of Virginia where the state action is pending.

4. In her Complaint, the plaintiff alleges failure to protect, failure to provide proper accommodations and services, and discrimination and in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131, *et seq.*; Section 504 of the Rehabilitation Act, 29 U.S.C. §§ 794, *et seq.*; and 42 U.S.C. § 1983.

5. The United States District Court for the Eastern District of Virginia, Alexandria Division, has jurisdiction over the federal law claims made in Counts II and III by virtue of 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1446(a), “a copy of all process, pleadings, and orders served upon such defendant” are attached to this Notice, and by reference made a part hereof. Exhibit A.

7. This Notice is timely pursuant to 28 U.S.C. § 1446(b)(1) and is filed within thirty (30) days of the initial service of process in this matter.

8. Pursuant to 28 U.S.C. § 1446(a)(2)(A) counsel for these defendants has conferred with Carrie Nee, Senior Assistant Attorney General, Chief of the Education Section, in the Office of the Attorney General, Mark Herring, 202 North Ninth Street, Richmond, Virginia, 23219, who represents the Virginia Board of Education which has not yet been served in the case, and the Attorney General’s Office does not object to defendants’ removal of this action to the Eastern District of Virginia, Alexandria Division.

9. Written notice of the filing of this Notice of Removal is being promptly given to the adverse party, by counsel, and to the Clerk of the Circuit Court of Prince William County, Virginia as required by 28 U.S.C. § 1446(a). See Exhibit B.

WHEREFORE, defendants Prince William County School Board, Steven Walts, Michelle Roper, and David Cassady, Jr., by counsel, hereby request that the United States District Court for the Eastern District of Virginia, Alexandria Division, assume jurisdiction over this matter and make such other orders as are necessary and proper to determine this controversy.

Respectfully submitted,

**PRINCE WILLIAM COUNTY SCHOOL BOARD
STEVEN WALTS, MICHELLE ROPER, AND
DAVID CASSADY, JR.**
By Counsel

/s/

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*Counsel for Defendants Prince William County School Board,
Steven Walts, Michelle Roper, and David Cassady, Jr.*

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2019, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) and delivered copies via fax and mail to the following:

Justin M. Reiner, Esquire, VSB No. 72251
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Counsel for Plaintiff

and emailed and mailed, by first-class mail, postage prepaid, copy of this pleading to:

Carrie Nee, Senior Assistant Attorney General
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/s/

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